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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/675,351	09/30/2003	William T. Ball	P06545US0-144	5782
34082	7590	10/25/2006		
ZARLEY LAW FIRM P.L.C. CAPITAL SQUARE 400 LOCUST, SUITE 200 DES MOINES, IA 50309-2350			EXAMINER BOCHNA, DAVID	
			ART UNIT 3679	PAPER NUMBER

DATE MAILED: 10/25/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/675,351	Applicant(s) BALL, WILLIAM T.	
	Examiner David E. Bochna	Art Unit 3679	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 27 September 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-3 and 5-19 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-3, 5-6, 8-11, 14-19 is/are rejected.
- 7) ☒ Claim(s) 7, 12 and 13 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1-2, 6, 8-11 and 14-19 are rejected under 35 U.S.C. 102(b) as being anticipated by Coss '395.

In regard to claim 1, Coss discloses a pipe coupling for joining a first pipe to pipes of varying diameters, comprising,

a first hollow fitting 18 having opposite first and second ends, with the first end having an externally threaded nipple 20 being adapted for connection to threadably receive a first pipe, the second end having a sleeve with an inwardly crimped detent 22,

a second hollow fitting 12 having opposite first and second ends with the second first end having a groove 23 for receiving the detent of the second end of the first hollow fitting to define a fluid conduit extending through interiors of the first and second hollow fittings,

first and second adjacent wells (13 and smaller bore where numbers 23 and 26 are written in fig. 2) in the second hollow fitting, with the first second well being adjacent the second end of the second fitting and having an upper end terminating in the first well being adjacent the first end of the second hollow fitting, with both the first and second wells comprising at least a part of the fluid conduit,

the first and second wells being cylindrical in shape (“for receiving a second pipe with the second well having a diameter greater than the diameter of the first well, whereupon inlet pipes having outside diameters complimentary in size to the diameters of the wells can be selectively and alternately secured within the respective wells to fluidly connect such pipes to the fluid conduit and the first hollow fitting” is all intended use language that carries little patentable weight in an apparatus claim because the bores in 12 are capable of receiving a pipe).

In regard to claim 2, the first and second wells have side walls adaptable for being fixedly secured to the inlet pipes.

In regard to claim 6, the first hollow fitting has means 20 on its first end for coupling to a first pipe.

In regard to claim 8, a conventional o-ring seal 27 is located within a notch formed between a shoulder 30 of the first hollow fitting and a shoulder 26 of the second hollow fitting when the two fittings are placed together.

In regard to claim 9, the second end of the first hollow fitting is crimped inwardly such that when the second end of the first hollow fitting is in overlapping position of the first of the first end of the second hollow fitting the detent is pushed into the groove.

In regard to claim 10, Coss discloses a pipe coupling comprising,

A first hollow fitting 18 having a first end opposite a second end, the first end having an externally threaded nipple portion 20 and the second end having an enlarged diameter sleeve terminating in an annular detent,

A second hollow fitting 12 having an annular groove on a reduced diameter wall portion,

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Wherein the first hollow fitting and the second hollow fitting are placed together in an overlapping condition such that the annular detent first into the annular groove.

In regard to claim 11, a conventional o-ring seal 27 is located within a notch formed between a shoulder 30 of the first hollow and a shoulder 26 of the second hollow fitting.

In regard to claim 14, the annular detent is crimped inwardly.

In regard to claim 15, the second hollow fitting having a first end opposite a second end, the first end having a first wall terminating in a second well having a diameter greater than the diameter of the first wall.

In regard to claim 16, the first well is separated from the second well by a shoulder.

In regard to claim 17, the first and second wells being cylindrical in shape such that a second pipe having an outside diameter complimentary to the diameter of a well can be selectively and alternatively secured within a well.

In regard to claim 18, the first end of the first hollow fitting having a first well terminating in a second well having a diameter greater than the diameter of the first well.

In regard to claim 19, the first well is separated from the second well by a shoulder.

3. Claim 5 is rejected under 35 U.S.C. 102(b) as being anticipated by Gillespie.

In regard to claim 5, Gillespie discloses a pipe coupling for joining a first pipe to pipes of varying diameters, comprising,

a first hollow fitting D having opposite first and second ends, with the first end being adapted for connection to a first pipe,

a second hollow fitting A having first and second ends with the second end fitting

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slidably within the second end of the first hollow fitting in sealed condition to define a fluid conduit extending through interiors of the first and second hollow fittings,

first (A') and second (a) adjacent wells in the second hollow fitting, with the first well (A') being adjacent the second end of the second fitting and having an upper end terminating in the first well (a), with both the first and second wells comprising at least a part of the fluid conduit,

the first and second wells being cylindrical in shape with the second well having a diameter greater than the diameter of the first well, whereupon inlet pipes having outside diameters complimentary in size to the diameters of the wells can be selectively and alternately secured within the respective wells to fluidly connect such pipes to the fluid conduit and the first hollow fitting; and

a pressurized fluid supply pipe (see col. 2, lines 44-46) having an end secured within one of the wells.

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claim 3 is rejected under 35 U.S.C. 103(a) as being unpatentable over Coss.

Coss discloses that the first hollow fitting is comprised of a material different than that of the second hollow fitting (see cross hatching in fig. 2). However, Coss does not specifically disclose that one is metal and the other is plastic. However, it would have been obvious to one of

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ordinary skill in the art to make one metal and the other plastic because the selection of a known material based upon its suitability for the intended use is a design consideration within the skill of the art. In re Leshin, 227 F.2d 197, 125 USPQ 416 (CCPA 1960).

Allowable Subject Matter

6. Claims 7 and 12-13 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Response to Arguments

7. Applicant's arguments with respect to claims 1-3 and 5-19 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

8. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Gilbreath et al., Stoll, Lindsay et al., and Coss '625 all disclose similar couplings common in the art.

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to David E. Bochna whose telephone number is (571) 272-7078. The examiner can normally be reached on 8-5:30 Monday-Thursday and every other Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Daniel P. Stodola can be reached on (571) 272-7087. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

A handwritten signature in black ink, appearing to read "David E. Bochna", with a long horizontal flourish extending to the right.

David E. Bochna
Primary Examiner
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